

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMY LEVENSON,

Plaintiff,

-against-

BARCLAYS PLC, BARCLAYS BANK PLC and
BARCLAYS CAPITAL INC.,

Defendants.

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ECF CASE

Case No. 07 CV 6656 (AKH)

AFFIRMATION OF ANNE C.
VLADECK IN OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

ANNE C. VLADECK, under penalty of perjury, affirms and states as follows:

1. I am an attorney and a member of the firm Vladeck, Waldman, Elias & Engelhard, P.C., attorneys for plaintiff Amy Levenson ("Levenson"). I submit this affirmation in opposition to defendants' motion for summary judgment.

2. On July 24, 2007, Levenson filed the instant lawsuit alleging unequal pay and sex discrimination. She also brought breach of contract and related claims based on National Sales Manager John Stathis's ("Stathis") promise that she would "not be disadvantaged." Because Barclays refused to consolidate the proceedings, Levenson brought a breach of contract and related claims in the Financial Industry Regulatory Authority ("FINRA"), at the same time as she filed the complaint in this Court.

3. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the transcript of the FINRA proceedings, dated May 6-8, and September 8-9, 2008.

4. Attached hereto as Exhibit 2 are true and correct copies of excerpts from the deposition transcript of Levenson, dated May 1, 2008 and June 2, 2008.

5. Attached hereto as Exhibit 3 are true and correct copies of excerpts from the deposition transcript of Fred Cooper, dated April 18, 2008.

6. Attached hereto as Exhibit 4 are true and correct copies of excerpts from the deposition transcript of Drew Doscher ("Doscher"), dated November 6, 2008.

7. Attached hereto as Exhibit 5 are true and correct copies of excerpts from the deposition transcript of Peter Goettler ("Goettler"), dated October 1, 2008.

8. Attached hereto as Exhibit 6 are true and correct copies of excerpts from the deposition transcript of Leonard Jardine, dated May 2, 2008.

9. Attached hereto as Exhibit 7 are true and correct copies of excerpts from the deposition transcript of Craig Lipsay, dated April 30, 2008.

10. Attached hereto as Exhibit 8 are true and correct copies of excerpts from the deposition transcript of John Lovisolo ("Lovisolo"), dated October 23, 2008.

11. Attached hereto as Exhibit 9 are true and correct copies of excerpts from the deposition transcript of Peter Mackie ("Mackie"), dated November 17, 2008.

12. Attached hereto as Exhibit 10 are true and correct copies of excerpts from the deposition transcript of Erin Mansfield ("Mansfield"), dated July 1, 2008.

13. Attached hereto as Exhibit 11 are true and correct copies of excerpts from the deposition transcript of Joseph McGrath ("McGrath"), dated June 26, 2008.

14. Attached hereto as Exhibit 12 are true and correct copies of excerpts from the deposition transcript of Kelly Saltzgaber, dated September 3, 2008.

15. Attached hereto as Exhibit 13 are true and correct copies of excerpts from the deposition transcript of Pamela Sinclair ("Sinclair"), dated December 4, 2008.

16. Attached hereto as Exhibit 14 are true and correct copies of excerpts from the deposition transcript of John Stathis, dated July 2, 2008.

17. Attached hereto as Exhibit 15 are true and correct copies of excerpts from the deposition transcript of Christopher Yanney, dated July 14, 2008.

18. Attached hereto as Exhibit 16 is a chart titled "US Inst Sales – Credit." (Bates No. BRC 6457).

19. Attached hereto as Exhibit 17 is a US Structured Credit chart, marked as Lovisolo Deposition Exhibit 26. (Bates Nos. BRC 6759-60)

20. Attached hereto as Exhibit 18 is an e-mail chain between Stathis, Lovisolo, and Andrew Rankowitz ("Rankowitz"), dated February 23, 2006, admitted as Claimant's Exhibit 9 to the arbitration. (Bates Nos. BRC 5152-54)

21. Attached hereto as Exhibit 19 is an e-mail from McGrath to Stathis, dated April 27, 2006, marked as McGrath Deposition Exhibit 7. (Bates Nos. BARCLEV 20566-67)

22. Attached hereto as Exhibit 20 is an account list, marked as Mackie Deposition Exhibit 5. (Bates Nos. BRC 1851-54)

23. Attached hereto as Exhibit 21 is a chart titled, "HY/Distressed Account Assignments." (Bates No. BRC 2729)

24. Attached hereto as Exhibit 22 is an e-mail from Charles Trunz to McGrath, dated December 6, 2006, marked as McGrath Deposition Exhibit 3. (Bates Nos. BARCLEV 25332-33)

25. Attached hereto as Exhibit 23 is a budget chart for the year 2007. (Bates Nos. BARCLEV 25684-87)

26. Attached hereto as Exhibit 24 is an e-mail from Gail Carmody to Goettler, dated May 15, 2006, admitted as Claimant's Exhibit 41 to the arbitration. (BARCLEV 102806-09)

27. Attached hereto as Exhibit 25 is Levenson's résumé, admitted as Claimant's Exhibit 1 to the arbitration. (Bates No. P.1749)

28. Attached hereto as Exhibit 26 are Levenson's 2004 and 2005 mid-year and year-end performance reviews. (Bates Nos. BRC 5508-19)

29. Attached hereto as Exhibit 27 is a Bloomberg message from Mark Wichern to Rankowitz, dated August 24, 2005, marked as Lovisolo Deposition Exhibit 3. (Bates No. BARCLEV 102387)

30. Attached hereto as Exhibit 28 are the Barclays American Sales Force organization charts, dated September 2004, October 2005, and November 2006. (Bates Nos. BRC 247-49)

31. Attached hereto as Exhibit 29 is an e-mail chain between Lovisolo, Stathis, and Rankowitz, dated February 23, 2006, marked Stathis Deposition Exhibit 3. (Bates Nos. BRC 7360-62)

32. Attached hereto as Exhibit 30 is a profile of the MetLife account, dated July 2006, marked as Stathis Deposition Exhibit 6. (Bates No. BARCLEV 22244)

33. Attached hereto as Exhibit 31 is a Bloomberg message chain between Levenson and Doug Warren, dated November 16, 2006, marked as McGrath Deposition Exhibit 13. (Bates No. BRC 2086)

34. Attached hereto as Exhibit 32 is an e-mail from Ted Husveth to members of Barclays, dated October 7, 2005, marked as Stathis Deposition Exhibit 9. (Bates Nos. BARCLEV 71820-26)

35. Attached hereto as Exhibit 33 is an e-mail from Rankowitz to Lovisolo, dated April 6, 2006, marked as Lovisolo Deposition Exhibit 15. (Bates No. BARCLEV 105113)

36. Attached hereto as Exhibit 34 is an e-mail chain between Mansfield and Paula Dominick, dated April 12, 2006, admitted as Claimant's Exhibit 48 to the arbitration. (Bates Nos. BARCLEV 105151-52)

37. Attached hereto as Exhibit 35 is an e-mail from McGrath to members of Barclays, dated May 10, 2006, marked as McGrath Deposition Exhibit 9. (Bates Nos. BARCLEV 20570-71)

38. Attached hereto as Exhibit 36 is a recording transcript, admitted as Respondent's Exhibit 3A to the arbitration.

39. Attached hereto as Exhibit 37 is an e-mail from McGrath to members of Barclays, dated June 16, 2006, marked as Doscher Deposition Exhibit 3. (Bates Nos. BARCLEV 21803-04)

40. Attached hereto as Exhibit 38 is a chart titled, "US Leveraged Finance – Business Structure," marked as Doscher Deposition Exhibit 5. (Bates No. BARCLEV 2919)

41. Attached hereto as Exhibit 39 is Levenson's 2006 year-end performance review, marked as McGrath Deposition Exhibit 16. (Bates Nos. BRC 5779-83)

42. Attached hereto as Exhibit 40 is Levenson's 2006 mid-year performance review. (Bates Nos. BRC 5775-78)

43. Attached hereto as Exhibit 41 is a chart of Levenson's compensation for 2004-2007, admitted as Claimant's Exhibit 22 to the arbitration. (Bates No. BRC 245)

44. Attached hereto as Exhibit 42 is an e-mail from Mackie to McGrath, dated May 22, 2006, marked as McGrath Deposition Exhibit 19. (Bates No. BARCLEV 19085)

45. Attached hereto as Exhibit 43 is an e-mail from McGrath to Stathis, Lovisolo, Rankowitz, and Jim Vore, dated April 12, 2006, marked as Lovisolo Deposition Exhibit 22. (Bates Nos. BARCLEV 17863-65)

46. Attached hereto as Exhibit 44 is the résumé of Rick Feinstein ("Feinstein"). (Bates No. BRC 6042)

47. Attached hereto as Exhibit 45 is the Bonus and Salary History of Feinstein, admitted as Claimant's Exhibit 52 to the arbitration.

48. Attached hereto as Exhibit 46 is Feinstein's offer letter, dated May 15, 2006. (Bates Nos. BRC 6107-6118)

49. Attached hereto as Exhibit 47 is the résumé of Terry Yun. (Bates No. BRC 6657)

50. Attached hereto as Exhibit 48 is Defendants' Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories, dated May 22, 2008, admitted as Claimant's Exhibit 44 to the arbitration.

51. Attached hereto as Exhibit 49 is a chart titled, "Top 30 Hedge Fund Targets." (Bates No. P.407)

52. Attached hereto as Exhibit 50 is an e-mail from Rajul Mamgain to McGrath, dated August 31, 2006, marked as McGrath Deposition Exhibit 10. (Bates Nos. BRC 7356-57)

53. Attached hereto as Exhibit 51 is an e-mail from Stathis to Sartori di Borgoricco, dated June 20, 2006. (Bates No. BARCLEV 21547)

54. Attached hereto as Exhibit 52 is a chart titled, "Sales Credits Earned by Director-Level Employees of Credit and High-Yield Groups." (Bates Nos. BRC 7298-99)

55. Attached hereto as Exhibit 53 are sales credit charts. (Bates Nos. BRC 7345-49)

56. Attached hereto as Exhibit 54 is Christopher Rulon-Miller's offer letter, dated April 3, 2006, admitted as Respondents' Exhibit 5 to the arbitration. (Bates Nos. BRC 667-678)

57. Attached hereto as Exhibit 55 is Mackie's offer letter, dated April 5, 2006, admitted as Respondents' Exhibit 6 to the arbitration. (Bates Nos. BRC 679-692)

58. Attached hereto as Exhibit 56 is a chart showing High Yield Sales compensation figures for 2006 (Bates No. BRC 6678)

59. Attached hereto as Exhibit 57 is a chart showing US Structured Credit compensation figures for 2006 (Bates No. BRC 6760)

60. Attached hereto as Exhibit 58 is a Bloomberg message from Mackie to Levenson, dated July 11, 2006. (BARCLEV 106945)

61. Attached hereto as Exhibit 59 is an e-mail chain between Levenson and Mackie, dated August 8, 2006. (BARCLEV 104405)

62. Attached hereto as Exhibit 60 are charts titled "Account List Comparisons."

63. Attached hereto as Exhibit 61 is an e-mail from McGrath to Chano Ramdath ("Ramdath"), dated October 9, 2006. (Bates No. BARCLEV 19985)

64. Attached hereto as Exhibit 62 is an e-mail from McGrath to Ramdath, dated November 30, 2006. (Bates No. BARCLEV 18817)

65. Attached hereto as Exhibit 63 is an e-mail from Bret Gutstein to members of Barclays, dated January 26, 2007, marked as Mansfield Deposition Exhibit 3. (Barclay-McGCal 5375-91)

66. Attached hereto as Exhibit 64 is the FINRA Award, dated September 23, 2008.

67. Attached hereto as Exhibit 65 is an e-mail chain between Stathis and Sinclair, dated March 2, 2007, marked as Sinclair Deposition Exhibit 5. (Bates No. BARCLEV 106969)

68. Attached hereto as Exhibit 66 is an e-mail from Mark Kurman to Sinclair, dated March 6, 2007, marked as Sinclair Deposition Exhibit 6. (Bates Nos. BARCLEV 106973)

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 10, 2009, in New York, New York.

s/Anne C. Vladeck

Anne C. Vladeck